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Thirteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1417 (2002) of 14 June 2002, by which the Council decided to extend the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 June 2003 and to review progress every four months on the basis of reports of the Secretary-General. It describes developments since my report of 18 October 2002 (S/2002/1180) and provides initial observations on the future role of MONUC.

II. Political and military developments

Inter-Congolese Dialogue and All-Inclusive Agreement

2. Following intensive negotiations and international pressure, the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo (hereafter referred to as the All-Inclusive Agreement) was signed in Pretoria on 17 December 2002 by the representatives of the components and entities to the Inter-Congolese Dialogue.

3. The All-Inclusive Agreement provides that elections should be held at the end of a 24-month transition period. During the transition period, President Joseph Kabila will remain head of State and will combine that function with that of Supreme Commander of the Armed Forces. There will be four Vice-Presidents who will be in charge of governmental commissions, each comprising ministers and deputy-ministers: a Political Commission (chaired by the Rassemblement congolais pour la démocratie-Goma) (RCD-Goma); an Economic and Finance Commission (chaired by the Mouvement de libération du Congo) (MLC); a Reconstruction and Development Commission (chaired by the government component); and a Social and Cultural Commission (chaired by the political opposition component). The Government will be composed of 36 ministers and 25 deputy-ministers. A bicameral Parliament comprising a National Assembly (whose President will be nominated by MLC) and a Senate (whose President will be nominated by civil society) will also be established. Civil society representatives will head five independent institutions to

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be set up in support of democracy, including an independent electoral commission and a human rights monitoring body.

4. The Neutral Facilitator of the Inter-Congolese Dialogue, Ketumile Masire, is expected to convene the final session of the Dialogue in the coming weeks. At that session, the parties should endorse the All-Inclusive Agreement and adopt the transitional constitution, which will form an integral part of the Agreement. The Facilitator is currently consulting with the Congolese parties on preparations for that session, including the venue, date and participation. The outstanding issues he has identified in that regard include the formation of a national army, security in Kinshasa and finalization of the draft constitution.

5. In the meantime, my Special Envoy for the Inter-Congolese Dialogue, Moustapha Niasse, has been pursuing his efforts to bring the parties to consensus on the above-mentioned issues in close collaboration with the Government of South Africa, so as to avoid undue delays in the convening of the final session of the Dialogue.

6. In the coming weeks, my Special Envoy will assist the parties to establish the Follow-up Commission which, in accordance with the terms of the All-Inclusive Agreement, will prepare for the installation of the new institutions once the Agreement enters into force. The Follow-up Commission will be headed by President Kabila and composed of representatives of the Congolese parties to the Agreement. My Special Envoy will also help in efforts to establish the International Guarantee Committee, whose task will be to provide support to the Congolese parties, including the Follow-up Commission, in implementing the Agreement.

The Beni area

7. Despite the signing of the All-Inclusive Agreement, military activities continued in practically all areas. In the north-east, the MLC/Rassemblement congolais pour la démocratie-National offensive, which began in October, threatened the position of the Rassemblement congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML) in the strategically important town of Beni in late December. Following the intervention of MONUC, working together with the P5 Ambassadors and those of Belgium and South Africa, MLC, RCD-National and RCD-K/ML signed a ceasefire agreement at Gbadolite on 30 December. That agreement provided for the withdrawal of forces to positions 40 kilometres apart and the demilitarization of Mambasa and Komanda under the administrative control of RCD-K/ML. The MLC withdrawal from Mambasa, while failing to meet the timelines in the Gbadolite agreement, is now complete. However, following the withdrawal of MLC forces from Komanda, the Union des patriotes congolais (UPC) led by Thomas Lubanga (which is not covered by the Gbadolite agreement) took over the town. MONUC has placed an observer team in Mambasa and will endeavour to place a team in Komanda.

8. On 31 December 2002, as soon as security conditions allowed, a multidisciplinary team from MONUC was dispatched to investigate allegations that grave human rights violations had occurred in Mambasa and surrounding areas. The team interviewed over 350 eyewitnesses whose accounts strongly suggested a pattern of looting, killing and violence against women, including rape, by MLC/RCD-National military forces in October and December. Summary executions were alleged to have taken place against the Nande ethnic group and some pygmies;

eyewitnesses also reported several cases of mutilation followed by acts of cannibalism. As of 16 January, 136 cases of arbitrary executions and 71 cases of rape, including of children, had been documented. Family members reported 100 cases of forced disappearances and 96 cases of missing relatives, mainly children separated from their parents. Victims reported 33 cases of torture, including forced witness to atrocities against family members. The systematic looting of all buildings, including the hospital, the church and individual homes, was also evident. In the wake of those reports, the Government of the Democratic Republic of the Congo wrote to the President of the Security Council and requested the setting up of an international criminal court for the Democratic Republic of the Congo. MLC President Bemba, who supported the proposal and requested that the court investigate crimes dating back to September 1996, has stated that he had already initiated his own investigations into the recent abuses. MONUC collaborated closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in preparing a report of the High Commissioner on those atrocities, which was presented to the Security Council on 13 February.

The Ituri region

9. The situation in other parts of the Ituri region continued to be characterized by widespread insecurity, massive displacement and severely restricted humanitarian access. In a south-western advance on 30 November, the Armée du peuple congolais (APC), the armed wing of RCD-K/ML, and Lendu combatants retook Irumu and Komanda and subsequently strengthened their positions surrounding Mahagi (north of Bunia) and Rethy (south of Mahagi). In the latter half of December, the military situation stabilized when Uganda People's Defence Forces (UPDF) troops, whose numbers in Bunia had decreased in November, were brought back to strength. However, relations deteriorated between UPDF and UPC. UPC claimed that Ugandan forces were directly supporting the RCD-K/ML/Lendu grouping, including in operations against UPC between Bunia and Mahagi that saw the capture of Rethy and Kpandroma on 6 January. Uganda strongly denied the deployment of any troops outside Bunia.

10. On 6 January, UPC and RCD-Goma entered into a formal alliance, following which UPC leader Lubanga travelled to Kigali. Throughout December and January, MONUC sought to verify increased allegations of Rwandan troops operating north-east of Bunia and reports of Rwandan material support to UPC. The Government of Rwanda has denied the presence of any of its troops in the Democratic Republic of the Congo. However, allegations continue about advisory support by Rwanda to UPC personnel.

11. Throughout the period, my Special Representative engaged the parties to end hostilities and establish the Ituri Pacification Commission, as envisaged in the Luanda Accord of 6 September 2002. Following several meetings in Kampala, Kinshasa, Pretoria and Bunia, President Yoweri Museveni of Uganda offered to organize the first Ituri Pacification Commission conference in Kampala. President Kabila and UPC separately agreed on the holding of the first meeting outside Bunia (Kampala or Kinshasa) without preconditions. On 13 January, my Special Representative held further talks with President Kabila, who indicated that he intended to discuss the matter with President José Eduardo dos Santos of Angola. Despite those efforts, it has not yet been possible to launch the Ituri Pacification Commission. Nevertheless, MONUC dispatched an exploratory mission to Ituri

from 22 to 26 January to secure a local ceasefire and to start building confidence in preparation for the Commission. The team met all the Congolese players in the Ituri crisis, including at the border locations of Mahagi (controlled by UPC) and Kpandroma-Rethy (held by Lendu combatants). All players agreed in principle to sign a truce in Bunia. However, UPC remains reluctant to support the Ituri Pacification Commission and has sought to pursue its own pacification initiatives.

12. Despite the absence of any peace agreement in the area and almost continuous fighting, MONUC has added a civilian presence to its observer team in Bunia, where Uganda retains up to two battalions. It is intended to deploy more observers to the area when security conditions allow.

13. While MONUC has continued to meet political players in Bunia to organize a local-level ceasefire leading up to the convening of the Ituri Pacification Commission as stipulated in the Luanda Agreement, President dos Santos of Angola sent his special envoy to Dar es Salaam on 9 February for a two-day meeting with Presidents Kabila and Museveni, which was also attended by UPC leader Lubanga. At that meeting, the Foreign Ministers of Uganda and the Democratic Republic of the Congo signed an amendment to the Luanda Accord, allowing for a new timetable for the work of the envisioned Ituri Pacification Commission. Under the new timetable, the preparatory committee for the Commission, composed of two representatives each from the Governments of the Democratic Republic of the Congo and Uganda and from MONUC and four representatives from other parties represented on the ground in Ituri, is expected to commence its work on 17 February and conclude it by 20 March. That will be followed (or accompanied) by the total withdrawal of Ugandan troops from the Democratic Republic of the Congo. A ministerial-level meeting in Luanda planned for 14 February was expected to discuss modalities of implementation of the Ituri Pacification Commission.

North and South Kivu

14. Following the withdrawal of Rwandan troops, RCD-Goma territorial control was significantly reduced, leaving a patchwork of unofficial authorities and armed groups, who are suspicious of one another's motives and activities. Mayi-Mayi groups appear to have at least nominal control over large areas of the Kivus, while RCD-Goma control is centred more in the key towns and cities. On 13 October, the combined forces of the Banyamulenge leader, Commander Masunzu, and some local Mayi-Mayi leaders took Uvira. In view of the ongoing inter-Congolese political negotiations, MONUC, together with strong diplomatic support, urged the authorities of the Democratic Republic of the Congo to convince Mayi-Mayi forces to withdraw voluntarily from Uvira following heavy RCD-Goma reinforcement and an impending counter-offensive. Uvira was subsequently reoccupied by RCD-Goma. It should be noted that most of the handover of territory in those areas has taken place without significant military clashes.

Monitoring foreign troop withdrawals

15. Despite the serious difficulties in distinguishing between Rwandan and RCD-Goma combatants, and some RCD-Goma obstruction, MONUC continued to investigate allegations of the presence of foreign troops. While MONUC could not independently confirm each allegation, it has strong indications that Rwandan troops reoccupied Idjwi Island on Lake Kivu for a short period at the time of the fighting in

Uvira in October. There were also persistent but unconfirmed reports that Rwandan Defence Forces (RDF) moved back near Bukavu at the time. It is also alleged that Rwanda has provided material support to the RCD-Goma (whose troops have the same uniforms and equipment as those of RDF) and has allowed transit of RCD-Goma troops to facilitate troop movements between Goma and Bukavu. However, reports of Rwandan soldiers or ex-soldiers integrated into the Governor of North Kivu's Self Defence Force, and operating within RCD-Goma in the fighting with Masunzu south-west of Uvira, and most recently against Mayi-Mayi as far south as Baraka, could not be confirmed. MONUC has systematically reverified all former locations of foreign troops, including those occupied by Zimbabwe, Angola and Uganda. Aside from Ugandan troops in Bunia and despite suspicions and rumours, MONUC has so far found no evidence of formed foreign military units remaining in the Democratic Republic of the Congo.

Government support to armed groups

16. Despite assurances by President Kabila, MONUC was refused unrestricted access to airports at Kinshasa and Gbadolite and to rail and air transport leaving Lubumbashi. Thus, the Mission has no direct evidence to address suspicions that the Democratic Republic of the Congo continues to support armed groups in the east. The perception that such support continues hinders the development of mutual trust between the parties. The Government of the Democratic Republic of the Congo has acknowledged that it is providing training and technical assistance to RCD-K/ML forces that incorporate Mayi-Mayi elements operating in North Kivu and the Bafwasende area, but it claims that such assistance is to facilitate future integration of all military forces.

17. On 24 January, MONUC visited Moliro at the invitation of the Government of the Democratic Republic of the Congo and ascertained that the Forces armées congolaises (FAC) were occupying the village and surrounding areas with up to three battalions, allowing access to Lake Tanganyika. That is in violation of the Harare disengagement and redeployment sub-plans. MONUC has written to the Government of the Democratic Republic of the Congo stating the requirement for FAC to withdraw to the new defensive positions outlined in the plan and reiterated in resolution 1399 (2002).

III. Mandate implementation

Disarmament, demobilization, repatriation, resettlement or reintegration

18. The main operational activity of the United Nations Organization Mission in the Democratic Republic of the Congo is firmly focused on disarmament, demobilization, repatriation, resettlement or reintegration. In November, disarmament, demobilization, repatriation, resettlement or reintegration operations at the military base of the Democratic Republic of the Congo in Kamina were completed with the repatriation of a total of 735 Rwandans (402 combatants and 333 dependants). Approximately 1,300 Rwandan combatants fled Kamina following armed clashes with Government forces on 1 November that were related to the involuntary return of personnel of the Forces démocratiques de libération du Rwanda (FDLR) from Kinshasa to Rwanda. MONUC was compelled to state publicly that such actions were not condoned by the United Nations and were not

agreed to in the framework of the Third Party Verification Mechanism. The Mission is following up reports that small groups of the 1,300 combatants, who scattered towards the north and east, may be willing to participate in disarmament, demobilization, repatriation, resettlement or reintegration. On 16 December 2002, MONUC opened its first Disarmament, Demobilization, Repatriation, Resettlement or Reintegration Reception Centre in Lubero, in North Kivu, where it is estimated that the majority of the 3,000-4,000 Rwandan combatants in the vicinity may be willing to be repatriated. There is close cooperation between all MONUC units and United Nations agencies in ensuring that humanitarian and child protection issues are integrated in disarmament, demobilization, repatriation, resettlement or reintegration operations in Lubero and elsewhere.

19. MONUC has carried out patient, focused activity in a remote area to the south-west of Lubero to ensure that information about its disarmament, demobilization, repatriation, resettlement or reintegration programme reaches the rank and file Interahamwe/ex-FAR (Forces armées rwandaises) combatants deep in the forest, in the face of what appears to be obstruction by hard-line leaders, identifying themselves with FDLR. Manoeuvring and obstruction by the de facto authorities in the east is also far from conducive to disarmament, demobilization, repatriation, resettlement or reintegration. MONUC is also working intensively with local authorities, Mayi-Mayi and members of armed groups around Bukavu to seek the disarmament, demobilization, repatriation, resettlement or reintegration of several thousand Rwandans in the vicinity. As at 20 February, the total number of Rwandans repatriated by MONUC stood at over 1,000.

20. In addition to its own sensitization programme, MONUC is working with the World Bank and its Multi-Country Demobilization and Reintegration Programme, which is now establishing a presence in Kinshasa, and the Governments of the Democratic Republic of the Congo and Rwanda to develop a cross-border sensitization strategy to inform Rwandan combatants and their dependants of the disarmament, demobilization, repatriation, resettlement or reintegration programme and encourage them to volunteer. Mission personnel also visited the Rwandan reintegration camp in Mutobo, Ruhengeri and reported positively on the treatment of the combatants repatriated so far.

21. Working with South Africa in the Third Party Verification Mechanism established pursuant to the Pretoria Agreement of 30 July 2002, MONUC sought to address the situation of the ALIR (Armée pour la libération du Rwanda) (ex-FAR/Interahamwe) leaders and members of the ALIR command structure apprehended by the Government of the Democratic Republic of the Congo. In that connection, the Government had requested the Third Party Verification Mechanism to "take responsibility" for facilitating the involuntary transfer of those persons to Rwanda. MONUC and the Secretariat endeavoured to find means by which the Mission, as part of the Third Party Verification Mechanism, could assist in facilitating the return of such individuals. Taking into consideration the relevant principles of international law, it was concluded that the United Nations could not engage in the forcible return of such individuals. Ultimately, with patient counselling and confidence-building, 11 of the 19 leaders apprehended in Kinshasa voluntarily agreed to be repatriated and were returned to Rwanda on 22 January. Efforts continue to encourage the remaining ALIR leaders to repatriate voluntarily.

Phase III preparations

22. During the reporting period, MONUC began preparing for the arrival of the first military task force by integrating all its disarmament, demobilization, repatriation, resettlement or reintegration operational activities and shifting the focus towards the east. In November, Mission offices in Bukavu, Butembo, Kalemie and Kindu were expanded to include multidisciplinary civilian/military disarmament, demobilization, repatriation, resettlement or reintegration teams. The Public Information Division increased its presence in Kisangani and began further eastern deployments. New sites for military observer teams were established in Mambasa, Kalima, Punia, Nyunzu, Lubero and Kamanda; sites in Beni and Bukavu were reinforced and further sites are being established in the east in support of disarmament, demobilization, repatriation, resettlement or reintegration operations.

23. Other adjustments are also being made. On 15 January, military sector boundaries were redrawn to enable Sector 4 and a newly created Sector 5 to concentrate on disarmament, demobilization, repatriation, resettlement or reintegration operations (see map). A Forward Operating Base was established in Bukavu near Kavumu airport, including a disarmament, demobilization, repatriation, resettlement or reintegration transit point and a company-strong guard and security unit. From there, ad hoc disarmament, demobilization, repatriation, resettlement or reintegration operations are being carried out while necessary infrastructure is being built for the deployment of an Engineer Company, aviation assets and a Task Force Company base (in Kindu). The Ilebo Coordination Centre (Kasai Occidental) was formally closed on 25 January and the Senegalese and Ghanaian companies based there were moved to Manono (Shaba) and Kisangani, respectively, releasing Uruguayan troops for ad hoc disarmament, demobilization, repatriation, resettlement or reintegration operations in Lubero. To maintain local confidence and stability between MLC and FAC forces, MONUC troops remain in Boende (Equateur) until such time as conditions are conducive to their redeployment.

24. On 16 and 17 December, senior representatives from MONUC, the Department of Peacekeeping Operations and the Office of Legal Affairs met with their counterparts in the Office of the United Nations High Commissioner for Refugees (UNHCR) in Geneva to discuss modalities for the implementation of resolution 1445 (2002), including the repatriation of dependants of ex-combatants. It will be recalled that under resolution 1445 (2002), the Security Council authorized the Mission to repatriate ex-combatants to Rwanda under its disarmament, demobilization, repatriation, resettlement or reintegration programme and called on the international community to provide voluntary contributions for the repatriation of dependants of those combatants likely to come forward to MONUC disarmament, demobilization, repatriation, resettlement or reintegration centres with them. UNHCR and the Mission agreed to work closely on those issues, as such dependants are considered to be refugees. At the same time, UNHCR agreed to continue to expand its ongoing repatriation programme. UNHCR, MONUC and the Secretariat will undertake a joint fund-raising campaign to cover the cost of repatriation of the dependants of combatants and other refugees. The World Bank has also been consulted in that regard to ensure coordination with the Multi-Country Demobilization and Reintegration Programme.

Reopening of the Congo River

25. Since the tripartite (Government of the Democratic Republic of the Congo, MLC and RCD-Goma) agreement of 29 April 2002 to reopen the Congo River and the departure of the first commercial convoy to Bumba on 20 July, river traffic has been normal between the territories under the control of the Government and MLC. Two important private companies have resumed activities in Equateur Province and are using the river for their supply and export. Private traders now serve Lisala and Bumba as well as the ports of Akula and Businga on the Mongala River, and Dongo on the Ubangi River. MONUC has continued to escort the largest convoys, while smaller convoys have proceeded safely in accordance with the rules set out in the tripartite agreement. In December, the Mission facilitated permission from RCD-Goma authorities for the largest brewery in the Democratic Republic of the Congo to transport raw material from Kinshasa to Kisangani. Though it cannot yet be considered as a full reopening of the Congo River to commercial traffic up to Kisangani, the commercial and humanitarian convoy, which arrived in Kisangani on 26 January, is an encouraging step forward in the restoration of freedom of movement for persons and goods.

Civilian Police (CIVPOL)

26. The cumulative total number of the Civilian Police officers trained by MONUC thus far is 161. On 20 December, a training programme in criminal law, criminal procedure and human rights for 53 judicial police officers in Kisangani was concluded. In addition, the first group of 72 judicial police officers to be trained exclusively by Congolese officers trained earlier by CIVPOL, completed their training on 8 January 2003. Another ("training of trainers") group of 13 full-time local police trainers, trained by CIVPOL, are employed in the subsequent training programmes sponsored by MONUC. Training activities, in coordination with the MONUC Human Rights, Child Protection, and Gender Divisions, for a second group of 197 police officers began on 3 February 2003. Qualitative evaluations show that all personnel trained by CIVPOL increased measurably their technical knowledge of law enforcement (including criminal procedure and international human rights standards).

27. On 26 October, RCD-Goma authorities formally agreed to a proposed advisory programme for the police in Kisangani. However, despite numerous requests, they have yet to approve the deployment of CIVPOL advisers to local police facilities for the implementation of the programme.

28. CIVPOL has also been conducting assessments of police institutions in key areas, including in South Kivu, Kindu and the Ituri region. It is evident that most police institutions throughout the Democratic Republic of the Congo are in dire need of material, financial and technical assistance. The joint ad hoc technical commission between the Congolese National Police and CIVPOL set up to assess requirements in the Ituri region completed its work on 14 November and recommended a police support programme, including training, logistics and transport support and equipment. The commission was established following a formal request for assistance in the Ituri region by the Government of the Democratic Republic of the Congo in August 2002.

Public information

29. The Public Information Division reinforced its office in Kisangani with the deployment of a wide range of specialists in dissemination, community outreach, video and publications to extend its activities in the Sector, including coverage of disarmament, demobilization, repatriation, resettlement or reintegration operations and Ituri developments. Radio Okapi established a new programme schedule on 28 October, with magazines and additional contributions from its eight local stations operating in the Democratic Republic of the Congo. The Congolese audience has welcomed the new programming. Fondation Hirondelle has contributed, with deployment of trainers for local journalists. On 12 December, an FM transmitter became operational in Butembo (North Kivu), reaching Beni and the Lubero reception centre area. Three FM transmitters are currently being planned in Bunia, Mbuji Mayi and Lubumbashi. Radio Okapi has started to broadcast local programmes in Bukavu and Kindu. Since October, a specific disarmament, demobilization, repatriation, resettlement or reintegration programme "Gutahuka" (Back Home) has been broadcasting twice a day for targeted groups, including in Kinyarwanda. Interviews with Rwandan combatants show that they know about "Gutahuka". The imminent delivery of three mobile FM stations in support of disarmament, demobilization, repatriation, resettlement or reintegration reception centres should be a significant asset for the public information campaign in the East.

30. A Public Information Task Force, established to support disarmament, demobilization, repatriation, resettlement or reintegration, began disseminating booklets and leaflets as well as broadcasting news about repatriated ex-combatants and dependants in Rwanda. A comprehensive video and special programme on the disarmament, demobilization, repatriation, resettlement or reintegration process was disseminated to the sectors. The video, dealing with the exploratory visit to Kigali by a group of Rwandan ex-combatants, was shown in Kamina in October and presented to local authorities, civil society and targeted armed groups in Lubero as well. The Public Information Division is associated with the Disarmament, Demobilization, Repatriation, Resettlement or Reintegration Joint Sensitization Campaign involving the Governments of the Democratic Republic of the Congo and Rwanda and the World Bank, starting on 31 January. A video on human rights violations around Mambasa was produced as a tool to support the ongoing human rights investigation. Harassment of nationally recruited journalists, although continuing, decreased following meetings between the Mission and the authorities of the Democratic Republic of the Congo. In Kindu, a local Radio Okapi journalist was arrested and detained for 24 hours by local authorities for recording a court process for which she had been given permission. Her MONUC audio equipment was seized but subsequently returned on 29 January by the RCD-Goma Governor of Kindu. In addition, in Kindu, a Radio Okapi international staff member was seriously intimidated and threatened by the local RCD commander.

Human rights

31. Despite many statements of commitment to reform for the promotion of human rights, all parties in the Democratic Republic of the Congo continued to commit gross violations of human rights with impunity. Atrocities alleged to have been perpetrated by MLC/RCD-National troops are described above (see para. 8). In Government areas, a joint OHCHR/MONUC investigation team reported on violent clashes in Ankoro in November between FAC and the Mayi-Mayi in which 48

civilian deaths were reported and some 4,000 homes were burned. Government detention centres, where degrading and inhumane treatment of detainees has been reported, are still open despite a presidential order to close them. Prominent journalists have been arbitrarily detained for speaking out on fundamental freedoms, constitutional and rule of law issues. Prisons are extremely overcrowded, with deplorable living conditions. In spite of a decree liberalizing the activities of political parties, members of some parties have been subject to arbitrary arrest and detention and prohibited to assemble. My Special Representative, in close coordination with OHCHR, has repeatedly raised all of those issues, particularly the suspension of the moratorium on the death penalty, with President Kabila and his Minister of Human Rights, but no action has been taken.

32. On 7 January, the Court of Military Order in Kinshasa handed down 30 death sentences, out of over 135 initial accusations of complicity and/or involvement in the assassination of the late President Laurent-Desiré Kabila. Throughout the long process to bring the suspects to trial, MONUC, OHCHR and the human rights community demanded that every person accused of a capital crime have a competent and experienced counsel. While all of those accused had some form of legal representation, MONUC and OHCHR repeatedly drew the attention of the Government to difficulties with the Court of Military Order. President Kabila had himself announced in his inaugural address that the jurisdiction of the Court is limited to military and police officers. The United Nations High Commissioner for Human Rights, who visited the Democratic Republic of the Congo from 12 to 15 January 2003, raised that issue with President Kabila and reiterated the opposition of the United Nations to the death penalty. In the meantime, one of those sentenced to death in absentia in the assassination trial, Xavier Chiribanya Chirimwami, was nominated as Governor of South Kivu by the RCD-Goma leadership, underlining the continuing tensions and fragility in the peace process in the Democratic Republic of the Congo.

33. The High Commissioner also met various national and international interlocutors and highlighted the importance of putting an end to impunity, which is indispensable for genuine reconciliation and lasting peace in the country. He reminded all the belligerents of their responsibility in protecting civilian populations in areas under their control.

34. On 27 December, in the RCD-Goma-controlled territory of Kisangani, the Conseil de guerre tried several individuals alleged to have masterminded the mutiny of 14 May that had left several hundred dead and missing. From the beginning of the investigation, there appeared to be no political will from RCD-Goma for due process and transparency. The list of suspects did not include any of the well-known officials that human rights groups and eyewitnesses identified as carrying out the massacres. The Conseil de guerre discarded the critical leads provided by MONUC. There are grave concerns that the trial, which is continuing, does not meet minimal human rights standards.

35. Unfortunately, the human rights abuses mentioned above are not isolated cases. MONUC has therefore taken the important step of developing an expert capacity for the investigation of human rights violations wherever they occur, through the establishment of United Nations multidisciplinary teams, including human rights and civilian experts, and Civilian Police and military observers, in coordination with

OHCHR observers. The Mission has also sought to increase the number of women deployed to serve as military observers and Civilian Police.

Child protection

36. Child soldiers are still present in all armed groups in the Democratic Republic of the Congo, in some cases representing up to 35 per cent of the troops, and are being sent to the front lines. New recruitment, sometimes of already demobilized child soldiers, continues. Against that backdrop, the disarmament, demobilization, repatriation, resettlement or reintegration of child soldiers made halting progress. The Mission's Child Protection Advisers investigated reports of military camps in which minors were being trained and raised those issues with the appropriate authorities. In collaboration with the United Nations Children's Fund, MONUC monitored and provided advice on the disarmament, demobilization or reintegration processes for Congolese child soldiers being set up by the RCD-Goma, and by the Government, which is preparing a new disarmament, demobilization, repatriation, resettlement or reintegration phase in Lubumbashi. MONUC is preparing to monitor implementation of the commitments made by MLC and RCD-K/ML to demobilize child soldiers under the Gbadolite Agreement of 30 December. There is a particular need to focus on setting up reintegration programmes, with the necessary resources to implement them, throughout the country in order to prevent demobilized child soldiers from returning to the army (voluntarily or forcibly) or the street, as has already happened in some cases. MONUC has contributed funds from the Norwegian Trust Fund to the non-governmental organization (NGO) Let's Protect Children, which runs a transit centre and reintegration project for demobilized child soldiers and other children in Musienene.

37. Child Protection Advisers participated in joint investigations into serious human rights violations where children were among the victims, including in Ankoro, Domiongo and Mambasa, and monitored the situation of minors in detention. Funds were provided to an NGO, the Bureau international catholique de l'enfance, for training social workers, lawyers and others on issues relating to juvenile justice and child rights. An increasing number of requests for seminars on child protection, including from police and judicial authorities, were received.

38. A particular concern is the need to address the issue of impunity for war crimes and other abuses against children, including the recruitment of child soldiers, as highlighted in my November 2002 report on children and armed conflict (S/2002/1299), which contains a list of parties in the Democratic Republic of the Congo responsible for recruitment of child soldiers. MONUC has monitored proceedings in Kananga regarding 36 military personnel accused of raping and pillaging in Domiongo in October 2002, some of whom have now been sentenced to death. Several of the 40 females raped were minors and at least two children were killed. MONUC remains seriously concerned about numerous irregularities in the proceedings relating to that case.

Gender issues

39. The Office of Gender Affairs focused its work on mainstreaming gender issues within MONUC and local outreach and capacity-building. On the former matter, the Office worked closely with the Disarmament, Demobilization, Repatriation, Resettlement or Reintegration Unit to ensure that the Lubero Centre had made

adequate preparations to receive women and children accompanying ex-combatants who wished to be repatriated to Rwanda. The Office worked closely with the political component to ensure regular information gathering and intervention on gender issues. It continued to hold regular training seminars for military observers and civilian police to sensitize them to the importance of communicating with women when collecting information and gathering gender-disaggregated data in relation to human rights abuses.

40. On outreach to Congolese women's organizations, the Office of Gender Affairs gave technical support to a local women's NGO network (Réseau action femmes) in launching a media campaign to eliminate violence against women in the Democratic Republic of the Congo, disseminated copies of resolution 1325 (2000) in Kinshasa at a peaceful demonstration of women's groups committed to the Pretoria peace process and initiated action towards launching a series of seminars on the Convention on the Elimination of All Forms of Discrimination against Women at academic institutions and universities in Kinshasa.

HIV/AIDS

41. My Special Representative launched the MONUC HIV/AIDS Policy and Programme for military and civilian personnel on 30 November as part of the Mission's activities to commemorate World AIDS Day. Sensitization, awareness and training on HIV/AIDS are ongoing. The policy objectives are to maintain sustained awareness and sensitization not only for MONUC personnel but also for the Congolese population at large. The Mission is fully integrating programming on HIV/AIDS prevention in the training of Civilian Police in Kisangani, and together with donors and other agencies will provide training for families of the police in their barracks. MONUC has also worked closely with national bodies, United Nations agencies and other international actors to ensure a cohesive response in the Democratic Republic of the Congo with regard to HIV/AIDS programmes.

Humanitarian situation

42. Overall, the humanitarian situation in the eastern Democratic Republic of the Congo remains extremely difficult. The sporadic outbreaks of hostilities in that area have resulted in the forced movement of thousands of people. There are believed to be as many as 2.5 million internally displaced persons in the Democratic Republic of the Congo, and the Office for the Coordination of Humanitarian Affairs has estimated that hundreds of thousands of persons have been newly displaced in the eastern Democratic Republic of the Congo since August 2002. Humanitarian access to people in need continues to be problematic. For example, humanitarian agencies have access to just 20 per cent of the population in Ituri. The impact of the war continues to fall most heavily on civilians, especially on vulnerable groups such as women, children and the elderly.

43. Since my last report, MONUC has stepped up efforts to fulfil its humanitarian mandate in the Democratic Republic of the Congo. In that regard, it has increased the number of humanitarian officers in the Mission, placing new officers in sensitive locations such as Bunia, as well as in areas that have received large numbers of displaced persons, such as Butembo. MONUC has assisted where it can, through providing transport for medical evacuations in areas which are largely inaccessible and where the Mission has regular flights. MONUC has also increased its

engagement with humanitarian partners, participating in joint missions with the Office for the Coordination of Humanitarian Affairs, NGOs, and United Nations agencies, and enhancing its logistic support to the humanitarian community through the movement of humanitarian workers and supplies throughout the country. During the past two and a half months, MONUC Humanitarian Affairs Officers have undertaken 25 joint assessment missions with partners and the Mission has transported approximately 1,000 non-MONUC passengers on a humanitarian basis, including urgent medical evacuations. An estimated 30 tons of non-MONUC humanitarian cargo has also been transported during the period by the Mission. In order to meet the challenge of the Mission's humanitarian mandate, my Special Representative has authorized that humanitarian cargo will be given priority for movement on MONUC flights and barges every last week of each month without adversely affecting support to the operational components of the Mission. Humanitarian cargo is also shipped by MONUC at other times on a space-available basis as opportunity cargo.

44. The crisis around Beni led to the displacement of well over 100,000 persons. In early January, in close partnership with NGOs, the Office for the Coordination of Humanitarian Affairs and the World Food Programme (WFP), MONUC participated in humanitarian assessment missions to the area. By mid-January, many of the displaced persons had begun to return towards Mambasa and Eringati, but large numbers had dispersed into the forest where access is difficult. Food insecurity was a predominant concern. WFP delivered 213 metric tons of food on 4 January. Humanitarian teams assessed that if the security situation did not improve, displaced persons would be unable to tend their crops and longer-term food availability would be even more difficult.

45. On 2 December in Bunia, my Special Representative, together with diplomatic and humanitarian representatives, urged the UPC leadership to improve humanitarian access and ensure the protection of civilians and humanitarian staff. That action followed several deliberate incidents of looting of humanitarian supplies and harassment of humanitarian workers, including the arrest or detention of certain NGO staff and the expulsion of an officer from Bunia in the Office for the Coordination of Humanitarian Affairs. While verbal assurances were received, the humanitarian community continues to impress upon UPC the need to deliver on that commitment, particularly by giving access to UPC-controlled areas outside Bunia.

46. The withdrawal of foreign troops significantly altered the security landscape in the Kivus and led to a situation that has become increasingly complex and fragmented. That has led to new displacements in some areas while encouraging the return of previously displaced persons to their homes in other areas. In many areas throughout North and South Kivu, Mayi-Mayi fighters have filled that power vacuum, making it difficult for the humanitarian community to negotiate safe and unimpeded access for the delivery of assistance. Throughout the region, fighting between opposing rebel forces has severely limited access to populations in dire need. The systematic looting of homes, stores and crops by forces on both sides has slowed recovery and further stifled aid activities. Fighting, when it occurs, is sporadic and unpredictable, and has devastating consequences for civilian populations that bear the brunt of the violence. In spite of those enduring obstacles, however, emergency relief efforts are continuing.

Mine action

47. The period since my last report has seen a worrying increase in the use of mines and improvised explosive devices in the north-east, both in Ituri and in the recent operations between RCD-K/ML and MLC in the Isiro-Beni area. Specific reports have been received of mine-related incidents in the areas of Bunia, Nyankunde, Rethy, Oicha and Mangina. However, overall, the mine threat in the Democratic Republic of the Congo remains comparatively low. Coordination continues with the Mine Action Coordination Centre, which works with an NGO to dispose of any devices reported. The demining work required in preparation for the deployment of phase III troops has been hampered by lack of approval by local authorities for the deployment of a MONUC demining contractor, as well as by inclement weather, although the Uruguayan Engineer Company has started demining operations in anticipation of the imminent arrival of the commercial deminers.

48. The Democratic Republic of the Congo became a State party to the Anti-personnel Mine Ban Treaty on 2 November 2002. Another notable development was the destruction by the RCD-Goma, in keeping with an earlier commitment made in May 2002 during the Regional Workshop on the Anti-personnel Mine Ban Treaty, of 642 anti-personnel and 62 anti-vehicle mines in Kisangani in December 2002.

Quick Impact Projects

49. MONUC Quick Impact Projects (QIPs) facilitate mandate implementation by reaching the population through small-scale humanitarian and social contributions. The first allocation of US$ 1 million is now entirely committed to various projects and over 1.8 million Congolese are estimated to have benefited from QIPs assistance. During the reporting period, conscious efforts were made to align project selection with the overall eastward expansion of the Mission and to further enhance the visibility of MONUC. Projects included the repair of bridges in Kalemie, Bukavu and Kisangani, the supply of medical equipment in Gbadolite, the repair of roads in Kisangani, the provision of food items for a nutritional centre in Kindu and the refurbishing of schools in Manono. Such projects have contributed to building a positive image of MONUC among the local population. Assessment missions in the eastern Democratic Republic of the Congo (Kisangani, Lubero, Butembo, Bukavu and Kindu) have led to the identification of concrete actions in support of disarmament, demobilization, repatriation, resettlement or reintegration operations and the national reconciliation process, ranging from road rehabilitation to a peace-building workshop in partnership with civil society, pending provision of necessary funding.

IV. Logistical activities

50. In support of the Mission's eastward deployment and preparation for full-scale disarmament, demobilization, repatriation, resettlement or reintegration operations, substantial numbers of administration personnel were reassigned to the east to meet the expanded Mission requirements. An important operation is also ongoing on the river Congo to move all necessary equipment from Kinshasa to Kisangani and to the east to support MONUC phase III. The preparation of Kindu to receive Task Force One is nearly completed. In Kisangani, the preparation of the sites for reception of

Task Force Two has slowed owing to delays in demining at Bangoka airport in Kisangani during the rainy season.

51. MONUC has started to receive additional air assets previously requested that will provide the necessary support for the disarmament, demobilization, repatriation, resettlement or reintegration process in remote and scattered locations, as well as expanded daily operations. Military airfield service units have been identified for deployment and operation with the task forces, as proposed in my special report dated 10 September 2002 (S/2002/1005). Consideration is also under way for the possible future provision by troop-contributing countries of military airfield services for airfields in the eastern Democratic Republic of the Congo envisaged for use by MONUC.

V. Financial aspects

52. The General Assembly, by its resolution 56/252 C of 27 June 2002, appropriated an amount of $581.9 million for MONUC for the period from 1 July 2002 to 30 June 2003. As at 31 December 2002, unpaid assessed contributions to the MONUC special account amounted to $166.1 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,335.3 million. Since its establishment in October 1999, the Trust Fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.1 million, with expenditures authorized to date in the full amount.

VI. Observations

53. The signing of the All-Inclusive Agreement in Pretoria in December 2002 was an important step towards national reconciliation and peace in the Democratic Republic of the Congo. The Congolese leaders deserve to be congratulated for reaching that Agreement. At the same time, they have not yet taken the steps required to implement it and to establish the transitional mechanisms. Moreover, they continue to engage in military confrontation on the ground.

54. The prompt inauguration of the transitional Government will be critical if the political momentum created by the Pretoria Agreement is not to be lost. I appeal to the signatories to the Agreement to respond positively to the aspirations of the war-weary people of the Democratic Republic of the Congo and to show the necessary statesmanship to embark on the long but critical road towards genuine national reconciliation and sustainable peace. It is my earnest hope that all parties will cooperate fully with the Neutral Facilitator and my Special Envoy to resolve the remaining issues, convene expeditiously the final session of the Inter-Congolese Dialogue, ratify the All-Inclusive Agreement and adopt the transitional constitution.

55. During the forthcoming phase of the peace process in the Democratic Republic of the Congo, the territorial integrity of the country must be respected. Despite the declared withdrawal of most of the foreign forces and the commencement of disarmament, demobilization, repatriation, resettlement or reintegration, the military situation on the ground, in particular in the Ituri region and the Kivus, continues to be volatile. I am concerned by the widespread suspicions of continuing political and

military involvement in the eastern Democratic Republic of the Congo, including by neighbouring States. In seeking to verify the increasing number of reports on the presence of foreign forces, MONUC has been hampered by security conditions on the ground. All those with influence on the authorities and armed groups that control those areas must press them to allow the Mission unimpeded access, as the verification of allegations is key to defusing rising tensions in the region. In addition, support to Congolese armed groups operating in the eastern Democratic Republic of the Congo must cease. Regional issues should be addressed through diplomacy, not through hostilities conducted by proxies in Congolese territory. I urge the Democratic Republic of the Congo and the neighbouring countries to build regional mechanisms to resolve these issues peacefully and bring this devastating war to en end.

56. Equally important for the success of the peace process is the establishment of the Ituri Pacification Commission. The potentially explosive nature of the military and political situation in the north-east, together with the risk that it could draw in military forces from neighbouring States, are sources of major concern. The importance of a political solution to underpin any military disengagement and ceasefire is key. MONUC has been working hard in the past weeks to defuse tensions between Uganda and Rwanda. I urge all parties and States involved to engage constructively in establishing without delay the Ituri Pacification Commission and to cooperate fully with the Mission's peace-making activities on the ground. The leaders concerned must bear the primary responsibility for creating conditions conducive to peace.

57. While my Special Envoy and MONUC have made every effort to accelerate the political process, the Mission has also made progress in the voluntary repatriation of foreign armed groups. Since my last report, the first significant numbers of foreign combatants have been voluntarily disarmed, demobilized and repatriated to Rwanda. The cooperation of the Rwandan authorities and the contribution of South Africa have been crucial in that regard. MONUC has taken further steps to shift the focus of its operations towards the eastern Democratic Republic of the Congo. In that connection, the necessary preparations are under way for the deployment of the first MONUC Task Force, which will enable the Mission to begin effective disarmament, demobilization, repatriation, resettlement or reintegration operations in the eastern part of the country. I am gratified by the degree of close collaboration that has been achieved between MONUC and its international partners, including the World Bank, the Office of the United Nations High Commissioner for Refugees and bilateral donors. As disarmament, demobilization, repatriation, resettlement or reintegration operations continue to expand, the attention of the donor community is once again drawn to the need to fund the repatriation of dependants, without whom combatants are unlikely to come forward for disarmament.

58. Since my last report, over 100,000 persons in the north-east around Beni have been displaced as a result of major military offensives in which horrendous human rights abuses have been perpetrated. Some Congolese leaders have recently been implicated in some of those abuses. That impunity must end. In addition, the outrageous pattern of deliberate violence and abuse of females and children by armed elements has continued. The leader of the Mouvement de libération du Congo, Mr. Jean-Pierre Bemba, has indicated that he had decided to investigate

these abuses and to bring to trial any of his forces responsible for the recent atrocities in the north-east.

59. With its substantial human and logistics resources, MONUC — in cooperation with other international partners — could make a major contribution in assisting the transitional Government to carry out its commitments. I would suggest, in that regard, that the efforts of the United Nations to support the transitional arrangements be led by my Special Representative. That would enable MONUC to provide coordinated and integrated assistance to the parties during the transition period. MONUC would at the same time continue to expand its current observation and peace-making efforts, particularly in the eastern Democratic Republic of the Congo. At the operational level, MONUC is also well placed to help create conditions conducive to the holding of free and fair elections. Among those, the following may be key: security sector reform in which the Mission's expertise in disarmament, demobilization, repatriation, resettlement or reintegration could be extended to the disarmament of Congolese combatants and coordination of the activities of bilateral donors; rule of law, including the creation of the national Civilian Police; and technical assistance for the elections. In the coming months, MONUC will explore those areas further with the transitional Government and international community. It would then be my intention to submit the necessary recommendations to the Security Council.

60. In the face of continuing, serious crises elsewhere, I urge the international community to remain engaged in addressing the fundamental problems affecting the Democratic Republic of the Congo and the entire Great Lakes region. United Nations agencies and other multilateral organizations report significant funding shortfalls. While progress has been made in key aspects of the conflict in the Democratic Republic of the Congo, the complex problems facing the country will no doubt require sustained political and financial commitment by the international community.

61. Finally, I wish to express my appreciation to my Special Representative, Mr. Amos Namanga Ngongi, as well as to all the men and women of MONUC, for their untiring efforts to support the peace process despite the challenging circumstances prevailing in the Democratic Republic of the Congo.

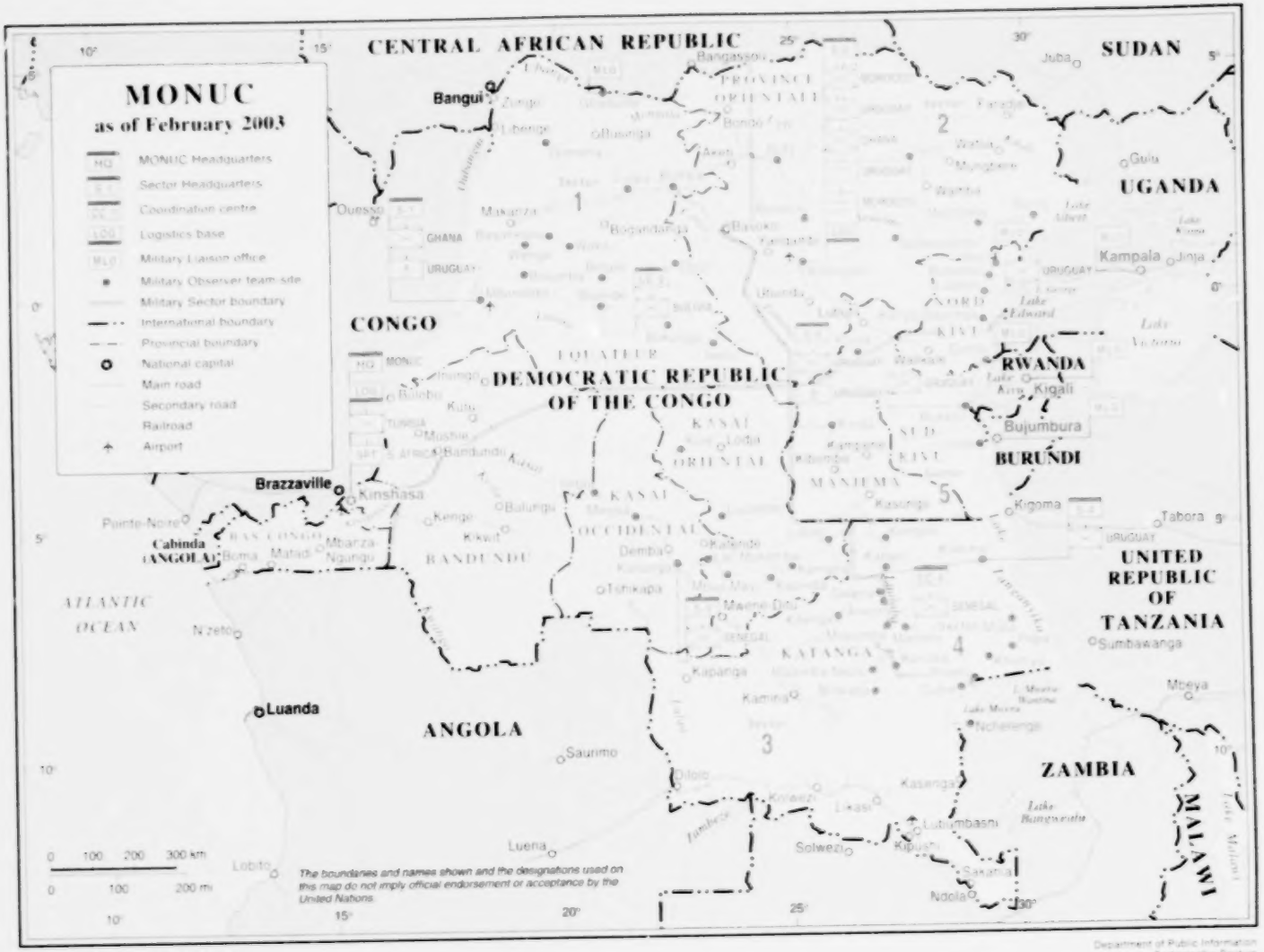
Annex

United Nations Organization Mission in the Democratic Republic of the Congo: military and civilian police strength

(as at 31 January 2003)

	Military component				
	Troops	*Staff officers*	*Observers*	*Total*	*Civilian police*
Algeria	-	1	11	12	-
Argentina	-	-	-	-	3
Bangladesh	-	10	12	22	-
Belgium	-	5	-	5	-
Benin	-	1	18	19	6
Bolivia	202	2	3	207	-
Bosnia and Herzegovina	-	-	5	5	-
Burkina Faso	-	-	12	12	2
Cameroon	-	2	-	2	-
Canada	-	8	-	8	-
China	-	1	9	10	-
Côte d'Ivoire	-	-	-	-	4
Czech Republic	-	1	4	5	-
Denmark	-	2	-	2	-
Egypt	-	4	24	28	1
France	3	4	2	9	-
Ghana	403	2	18	423	-
Guinea	-	-	-	-	1
India	-	12	28	40	-
Indonesia	-	4	9	13	-
Ireland	-	-	2	2	-
Italy	-	3	-	3	-
Jordan	-	6	22	28	-
Kenya	-	12	17	29	-
Malawi	-	-	17	17	-
Malaysia	-	11	7	18	-
Mali	-	1	25	26	1
Mongolia	-	-	2	2	-
Morocco	653	5	-	658	-
Mozambique	-	-	2	2	-
Nepal	-	3	16	19	-
Niger	-	2	12	14	3
Nigeria	-	5	25	30	-
Norway	-	3	2	5	-

	Military component				
	Troops	*Staff officers*	*Observers*	*Total*	*Civilian police*
Pakistan	-	18	23	41	-
Paraguay	-	2	18	20	-
Peru	-	-	3	3	-
Poland	-	-	3	3	-
Portugal	-	-	-	-	4
Romania	-	1	25	26	1
Russian Federation	-	2	27	29	5
Senegal	460	17	9	486	9
South Africa	140	10	2	152	-
Spain	-	1	2	3	-
Sri Lanka	-	-	2	2	-
Sweden	-	-	5	5	3
Switzerland	-	2	-	2	-
Tunisia	254	6	21	281	-
Turkey	-	-	-	3	3
Ukraine	-	2	12	14	3
United Kingdom	-	6	-	6	-
Uruguay	1 577	26	21	1 624	-
Zambia	-	4	10	14	-
Total	**3 692**	**207**	**487**	**4 386**	**49**


MONUC
as of February 2003
MONUC Headquarters
Sector Headquarters
Coordination centre
Logistics base
Military Liaison office
Military Observer team site
Military Sector boundary
International boundary
Provincial boundary
National capital
Main road
Secondary road
Railroad
Airport
CENTRAL AFRICAN REPUBLIC
SUDAN
UGANDA
CONGO
DEMOCRATIC REPUBLIC OF THE CONGO
RWANDA
BURUNDI
UNITED REPUBLIC OF TANZANIA
ANGOLA
ZAMBIA
MALAWI
ATLANTIC OCEAN
Bangui
Brazzaville
Kinshasa
Luanda
Cabinda (ANGOLA)
Pointe-Noire
Kigali
Bujumbura
Kigoma
Kampala
Juba
Gulu
Jinja
Tabora
Mbeya
Lubumbashi
Ndola
Solwezi
Saurimo
Luena
Lobito
Nzeto
Kikwit
Bandundu
Kisangani
Bukavu
Goma
Uvira
Kalemie
Kolwezi
Likasi
Kasanga
Nchelenge
Sumbawanga
Tshikapa
Kaparga
Kamina
Demba
Mbanza Ngungu
Matadi
Boma
Mbanza
Kenge
Bulungu
Lodja
Kasongo
Kindu
Bunia
Aketi
Buta
Bondo
Isiro
Watsa
Mungbere
Arua
Moyo
Yumbe
Maridi
Yambio
Tambura
Wau
Zongo
Libenge
Businga
Gemena
Mobaye
Mongoumba
Berbérati
Carnot
Ouesso
Makarska
Bogandangba
Bangassou
Obo
Rafai
Zemio
Nzako
Mboki
Ango
Dungu
Faradje
Aba
Nioka
Mahagi
Lake Albert
Lake Edward
Lake Victoria
Lake Kivu
Lake Mweru
Lake Mweru Wantipa
Lake Bangweulu
Luapula
Zambezi
Kafue
Luvua
Lualaba
Tanganyika
Ituri
Kivu
Maniema
Kasai Oriental
Kasai Occidental
Katanga
Bas Congo
Bandundu
Equateur
Province Orientale
Nord Kivu
Sud Kivu
1
2
3
4
5
GHANA
URUGUAY
0 100 200 300 km
0 100 200 mi
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February 2003
Department of Public Information
Cartographic Section